

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-CR-14035-CANNON/MAYNARD

UNITED STATES OF AMERICA

v.

**MARTINEZ BUILDERS SUPPLY, LLC,
d/b/a EAST COAST TRUSS, a Florida
limited liability company,**

Defendant.

**STIPULATION OF FACTS AND ACKNOWLEDGMENT OF OFFENSE
ELEMENTS IN SUPPORT OF GUILTY PLEA**

The United States of America, by and through the undersigned Assistant United States Attorney, and Martinez Builders Supply, LLC, d/b/a East Coast Truss, a Florida limited liability company (“ECT”) (hereinafter referred to as the “Defendant” or “ECT”), together with its counsel, admit that the United States can prove the allegations contained in Count One of the Information, which charges the Defendant with conspiracy to harbor aliens by means of employment, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(A)(v)(I).

The Defendant also stipulates that the following recitation of the facts shall constitute the underlying factual basis for its guilty plea. These facts are not all of the facts known to the United States in this case and are offered merely to provide a sufficient factual basis to support the Defendant’s guilty plea.

ECT is a Florida limited liability company that was formed in 2010. At all times relevant to the Information, ECT was engaged in the business of designing and constructing wood trusses for residential and commercial buildings. ECT was headquartered in Fort Pierce, Florida, which

is located within the Southern District of Florida, and employed over one hundred workers, many of whom were manual laborers.

C.M. was and still is the president and managing member of ECT. B.G. was and still is an employee of ECT. B.G. was an office manager at ECT from in or about December 2020, through on or about August 6, 2021. L.T. was an officer manager at ECT until in or about December 2020, when she left ECT. At all times referenced herein, C.M., B.G., and L.T. were agents of ECT acting within the scope of their employment.

Hollys Services LLC ("Hollys Services") was a Florida limited liability company formed by Kelly Yanira Del Valle ("DEL VALLE"). Hollys Services was formed by DEL VALLE for the purpose of concealing, harboring, and shielding aliens who worked at ECT from detection by law enforcement. DEL VALLE was a member and manager of Hollys Services. DEL VALLE operated Hollys Services out of her residence in Saint Lucie County, Florida.

Quality Control LLC ("Quality Control") was a fictitious name created by DEL VALLE. Quality Control was created by DEL VALLE for the same purpose as Hollys Services, that is, to conceal, harbor, and shield aliens who worked at ECT from detection by law enforcement. DEL VALLE operated Quality Control out of her residence in Saint Lucie County, Florida.

On or about March 12, 2018, Homeland Security Investigations ("HSI") served ECT with a Notice of Inspection. A Notice of Inspection is the procedure by which HSI initiates an audit of a business' employment records. HSI requested ECT to produce Form I-9s for all of its employees. Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All United States employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States.

On or about March 16, 2018, ECT, through its agents acting within the scope of their employment, including L.T., provided HSI with Form I-9s for approximately 150 employees in response to the Notice of Inspection.

On or about May 25, 2018, based on a review of the Form I-9s that ECT provided, HSI identified 43 ECT employees who appeared to be aliens not authorized to work in the United States. HSI provided ECT with a list of the 43 employees, and warned ECT it could be subject to criminal charges if it continued to employ aliens who were not authorized to work in the United States. C.M., L.T., and B.G. were all aware of the results of HSI's audit.

In or about June 2018, DEL VALLE, C.M., and L.T., met at ECT and agreed to "transfer" the aliens employed by ECT who were not authorized to work in the United States to Hollys Services, which was established by DEL VALLE, so that they no longer appeared on ECT's payroll. The purpose of the scheme was to conceal, harbor, and shield the aliens who worked at ECT from HSI's audit. DEL VALLE also agreed to recruit and hire additional aliens to work for ECT, who were not authorized to work in the United States, under the guise of Hollys Services, and later Quality Control.

On or about June 8, 2018, DEL VALLE formed Hollys Services for the purpose of concealing, harboring, and shielding the aliens employed by ECT from HSI's audit.

On or about June 8, 2018, DEL VALLE opened an account at SunTrust Bank in Saint Lucie County, Florida, in the name of Hollys Services.

On or about June 15, 2018, ECT, falsely notified HSI that 36 of the 43 ECT employees identified by HSI had been terminated. ECT provided verification that 4 of the ECT employees identified by HSI were lawfully permitted to work in the United States.

On or about June 18, 2018, ECT entered into a "General Service Agreement" with Hollys Services, whereby Hollys Services agreed to provide ECT with, among other things, "labor services." The "General Service Agreement" was signed by C.M., on behalf of ECT, and DEL VALLE, on behalf of Hollys Services. The "General Service Agreement" was an artifice designed by C.M. and DEL VALLE to conceal, harbor, and shield aliens who worked at ECT from detection by law enforcement.

On or about June 18, 2018, several of the employees HSI had identified as aliens not authorized to work in the United States were transferred from ECT's payroll to Hollys Services' payroll to conceal, harbor, and shield their true identities from HSI's audit.. These aliens continued to work for ECT while purportedly being employed and paid by Hollys Services.

On or about August 29, 2019, ECT entered into a "Employment Contract Agreement" with Quality Control, whereby Quality Control agreed to provide ECT with "LABOR" services. The "Employment Contract Agreement" was signed by C.M., on behalf of ECT, and DEL VALLE, on behalf of Quality Control. The "Employment Contract Agreement" was an artifice designed by C.M. and DEL VALLE to conceal, harbor, and shield aliens who worked at ECT from detection by law enforcement.

ECT continued to control and direct, among other things: (1) how the work was performed by the employees who worked for ECT under the guise of Hollys Services and Quality Control; (2) where the work was performed by the employees who worked for ECT under the guise of Hollys Services and Quality Control; and (3) the hours in which the work was performed by the employees who worked for ECT under the guise of Hollys Services and Quality Control.

DEL VALLE provided L.T. and/or B.G. with the hours worked and hourly rate for the employees who purportedly worked for Hollys Services and Quality Control on a weekly basis.

L.T. directed DEL VALLE to identify the employees who purportedly worked for Hollys Services and Quality Control by codes related to their position.

Only the employees who purportedly worked for Hollys Services and Quality Control were identified by codes. The employees who remained on ECT's payroll, that is the employees who were legally authorized to work in the United States, were identified by their actual names.

On or about August 23, 2019, DEL VALLE opened an account at TD Bank in Saint Lucie County, Florida, in the name of Quality Control.

On or about May 27, 2021, DEL VALLE opened an account at Bank of America in Saint Lucie County, Florida, in the name of "HOLLYS".

Between on or about June 28, 2018, and on or about August 23, 2019, ECT, through its agents acting within the scope of their employment, transferred over \$750,000 to the bank account DEL VALLE set up at SunTrust in the name of Hollys Services, in 62 separate electronic transfers, some of which was earmarked for the express purpose of paying the aliens who worked at ECT.

Between August 30, 2019 and May 28, 2021, ECT, through its agents acting within the scope of their employment, transferred over \$2,200,000 to the bank account DEL VALLE set up at TD Bank in the name of Quality Control, in 92 separate electronic transfers, some of which was earmarked for the express purpose of paying the aliens who worked at ECT.

Between June 4, 2021 and July 30, 2021, ECT, through its agents acting within the scope of their employment, transferred over \$400,000 to the bank account DEL VALLE set up at Bank of America in the name of Hollys, in 9 separate electronic transfers, some of which was earmarked for the express purpose of paying the aliens who worked at ECT.

ECT, through its employees, directed or caused the electronic transfers to be sent from ECT's bank account at TD Bank to the bank accounts DEL VALLE set up at SunTrust, TD Bank,

and Bank of America on a weekly basis, to cover the payroll expenses for the aliens who worked for ECT but were purportedly employed by Hollys Services and Quality Control.

On August 6, 2021, law enforcement executed a search warrant at ECT's headquarters in Saint Lucie County. Law enforcement encountered 58 employees when they executed the search warrant at ECT's headquarters. Of the 58 employees encountered at ECT's headquarters, 28 of them were aliens who were not authorized to work in the United States, and several of them were included in the list of unauthorized workers HSI provided to ECT in May 2018.

Between June 1, 2018 and August 6, 2021, at least 14% of ECT's workforce was comprised of aliens who were not authorized to work in the United States.

The defendant is aware of and understands the nature of the charges to which it is pleading guilty and understands that had it proceeded to trial, the United States would have had to prove the following elements beyond a reasonable doubt:

Count 1: Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and 1324(a)(1)(A)(v)(I):

- (1) The Defendant, through its agents acting within the scope of their employment, agreed with another person to try to accomplish a shared and unlawful plan to conceal, harbor, or shield aliens from detection in any place; and
- (2) The defendant, through its agents acting within the scope of their employment, knew or recklessly disregarded the fact such aliens entered or remained in the United States in violation of law; and
- (3) The defendant, through its agents acting within the scope of their employment, knew the unlawful purpose of the plan and willfully joined it.

The word "person" includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.

A corporation is criminally liable for the acts of its agents and officers when they act within the course and scope of their employment and authority, and with the requisite mental state.

To act with “reckless disregard of the fact” means to be aware of but consciously and carelessly ignore facts and circumstances clearly indicating that the person concealed, harbored, or shielded from detection was an alien who had entered or remained in the United States illegally.

The defendant and its attorney agree that the facts recited above meet these elements.

Respectfully submitted,

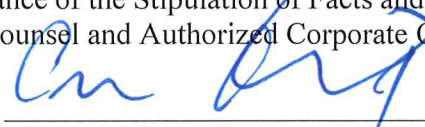
MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: 10/28/24

By: 
MICHAEL D. PORTER
ASSISTANT UNITED STATES ATTORNEY

The Authorized Corporate Officer, by his signature below, hereby certifies that: he has read the entire Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea and discussed it with ECT’s managing members; ECT understands the Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea and the information contained therein correctly reflects the results of plea negotiations; ECT is fully satisfied with its attorney’s representation during all phases of this case; ECT is freely and voluntarily pleading guilty in this case; and ECT is pleading guilty because it is guilty of the offense charged in Count One of the Information. ECT acknowledges its acceptance of the Stipulation of Facts and Acknowledgment of Offense Elements by the signature of its counsel and Authorized Corporate Officer.

Date: 10/28/24

By: 
Carlos Martinez, President and Managing Member
of MARTINEZ BUILDERS SUPPLY, LLC, D/B/A
EAST COAST TRUSS

I have discussed with and fully explained to the managing members of ECT the facts and circumstances of the case; all rights with respect to the offense charged in Count One of the Information; possible defenses to the offense charged in Count One of the Information; all rights with respect to the Sentencing Guidelines; and all of the consequences of executing the Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea. I have reviewed the entire Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea with my client, through its Authorized Corporate Officer. In my judgment, ECT understands the Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea, and I believe ECT's decision to execute this document is knowing and voluntary. ECT's execution of the Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea is done with my consent.

Date:

10/28/2024

By:

A handwritten signature in blue ink, appearing to read "Rick Hutchinson", written over a horizontal line.

RICK HUTCHINSON ATTORNEY FOR
MARTINEZ BUILDERS SUPPLY, LLC, D/B/A
EAST COAST TRUSS